

# ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016

## COMMITTEE STATEMENT

### LB764

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**Hearing Date:** Friday January 22, 2016  
**Committee On:** Government, Military and Veterans Affairs  
**Introducer:** Garrett  
**One Liner:** Authorize summary discipline for minor offenses in the Nebraska Code of Military Justice

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

|                            |   |  |
|----------------------------|---|--|
| <b>Aye:</b>                | 7 | Senators Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, Murante |
| <b>Nay:</b>                |   |  |
| <b>Absent:</b>             | 1 | Senator McCoy  |
| <b>Present Not Voting:</b> |   |  |

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**Verbal Testimony:**

**Proponents:**

Senator Tommy Garrett  
Brigadier General Richard Dahlman

**Representing:**

Introducer  
Nebraska Military Department

**Opponents:**

**Representing:**

**Neutral:**

Douglas Wilken

**Representing:**

Self

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**Summary of purpose and/or changes:**

LB 764 amends section 55-416 to allow for summary discipline of minor offenses in the Nebraska Code of Military justice.

Section 4 (1) allows for summary discipline to be issued for minor offenses under the Nebraska Code of Military Justice. The bill incorporates the Uniform Code of Military Justice of the United States definition of "minor offense," and further defines the term as including other minor offenses in military or civilian law, military custom, or any offense that has a maximum punishment of confinement for one year or less.

Section 4 (2) enumerates authorized disciplinary action for summary discipline for minor offenses.

Section 4 (3) incorporates the provisions of section 55-416 regarding forfeiture and detention of pay, and prohibits consecutive sentences for the same offense or incident.

Section 4 (4) allows the imposing officer to suspend the summary discipline.

Section 4 (5) creates an appellate procedure that must be commenced by the discipline within 24 hours of the announcement of his or her discipline.

Section 4 (6) clarifies that the imposition of summary discipline is not a bar to trial by court-martial to a serious offense

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committed in the same act or incident as the minor offense for which summary discipline was imposed.

Section 4 (7)-(9) lay out the technical requirements for imposition and notice of the summary discipline.

Section 4 (10) gives the Adjunct General rulemaking authority to implement the law.

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**Explanation of amendments:**

AM 2186 makes the following changes to LB 764:

Removes the authority of the individual imposing summary discipline to impose the punishment of arrest in quarters for up to five days.

Decreases the authority to impose forfeiture of pay to a maximum of one day's pay.

Removes the express inclusion of fatigue duty in the possible imposition of extra duty.

Makes additional technical changes to LB 764.

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John Murante, Chairperson